

## A. STATE-AT-A-GLANCE

1)	<b>Program Operation</b>	State-operated by Delaware Division of Child Support Enforcement
2)	<b>Number of Local Offices (excluding Agencies under Cooperative Agreements)</b>	Three
3)	<b>Type of Agencies with Cooperative Agreements</b>	Family Court; Departments of Justice and Labor; Division of Social Services
4)	<b>Uniform Interstate Family Support Act</b>	Yes
5)	<b>Agreements With Tribal Entities</b>	No
6)	<b>Age of Majority for Termination of Support</b>	18. If a child over 18 is still enrolled in high school, child support terminates when child receives a high school diploma or reaches age 19, whichever occurs first.
7)	<b>Statutes of Limitation:</b>	
	• <b>Collection of Past Due Support</b>	None
	• <b>Paternity Establishment</b>	Age of majority
	• <b>Dormancy Revival/Renewal Possible [yes/no]</b>	NO
1)	<b>Guidelines</b>	Delaware Child Support Formula (Melson)
2)	<b>Interest Rates on</b>	
	• <b>Missed Payments</b>	n/a
	• <b>Retroactive Support</b>	n/a
	• <b>Adjudicated Arrearage</b>	n/a
3)	<b>Arrearage Collections for Non-minor Child(ren)</b>	Yes, through income withholding and all other methods EXCEPT tax intercept
4)	<b>Distribution Scheme</b>	
	• <b>AFDC Arrears</b>	First to current support (if multiple cases, proportionately among the cases), then to Non-AFDC arrears (if multiple cases,

	proportionately among the cases), then to AFDC arrears (if multiple cases, proportionately among the cases), EXCEPT for IRS intercepted funds, which apply first to AFDC arrears
• <b>Non-AFDC Arrears</b>	Same as AFDC
5) <b>Procedures Regarding Medical Support Using Income Withholding</b>	No
6) <b>New Hire Reporting</b>	No
7) <b>Recovery of Costs Elected Under State Plan</b>	No
8) <b>Recovery of Costs for Initiating State</b>	Yes
9) <b>Long-Arm Statute/s Citation/s</b>	13 <u>Del C.</u> §610
10) <b>Automated Locate Resources</b>	DOT Division of Motor Vehicles, Department of Labor, Credit Bureaus, Deaprtment of Corrections, Division of Social Services, Bureau of Vital Statistics, EPLN , Department of Elections
11) <b>Enforcement Options</b>	
• <b>State Income Tax Refund Intercept</b>	Yes
• <b>License Revocation/ Suspension</b>	No
• <b>Administrative Liens</b>	Yes
• <b>Property Seizure &amp; Sale</b>	No
• <b>State Funds/Benefits (please specify)</b>	Unemployment Insurance, Workers' Compensation
• <b>Other (please specify)</b>	Lottery winnings; sequestration orders on estates, awards, settlements
12) <b>Spousal Maintenance Orders (specify yes or no)</b>	
• <b>Establish</b>	Yes
• <b>Enforce</b>	When there is also a child support obligation

• <b>Modify</b>	No
<b>13) Current Spouse/Partner Information Required</b>	No

## B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

<b>1) State Code Citation</b>	13 <u>Del. C.</u> , Chapter 6
<b>2) Effective Date</b>	July 1, 1995
<b>3) Adopted Verbatim? If no, list differences.</b>	Yes
<b>4) Repeal URESA?</b>	Yes
<b>5) Repeal IWW?</b>	No

## C. INCOME WITHHOLDING

<b>1) Income Withholding Terminology</b>	n/a
<b>2) Income Withholding Procedures</b>	
• <b>State Withholding Limits</b>	Consumer Credit Protection Act limits. Unemployment benefits 50%.
• <b>Fee Charged by Employers</b>	None
• <b>Date to Remit</b>	Immediately, each pay day
• <b>Penalty</b>	Liability for accumulated amount
<b>3) Definition of Employer</b>	An individual, partnership, association, corporation, trust, federal agency, state agency or political subdivision paying or obligated to pay income.
<b>4) Included Income</b>	Any form of payment made by the obligor's employer to an individual, regardless of source, including, but not limited to wages, salary, commission, vacation pay, severance pay, bonuses, compensation as an independent contractor, sick pay, SUB benefits, railroad retirement, unemployment compensation, workers' compensation, pensions, annuity, retirement benefits, disability income

5)	<b>Excluded Income</b>	Any amounts required by law to be withheld, other than creditor claims, including but not limited to, federal, state and local taxes; Social Security and other mandatory retirement and disability contributions; union dues; any amounts exempted by federal law; public assistance payments; tax refunds.
6)	<b>Direct Income Withholding for Unemployment Compensation, include address</b>	Yes.
7)	<b>Direct Income for Workers' Compensation, include address</b>	Division of Child Support Enforcment , P.O. Box 904, New castle, DE 19720
8)	<b>Direct Income Withholding, other income sources subject to, include address</b>	Division of Child Support Enforcment , P.O. Box 904, New castle, DE 19720
9)	<b>Direct Income Withholding, list Other Income Sources NOT subject to</b>	Only employers are subject to direct income withholding.
10)	<b>Federal Withholding (See Federal Pay Agents Section)</b>	IV-D Directors need not answer this question.
11)	<b>Procedures for Contesting Income Withholding</b>	Yes
12)	<b>Arrearages through Income Withholding</b>	Yes
13)	<b>Enforcing Against Non-Resident Obligor Asset/Income</b>	No
14)	<b>Exception to Immediate Withholding</b>	Yes
15)	<b>Multiple Obligations Withholding Priorities</b>	
	• <b>Policy</b>	Per federal regulations
	• <b>Priority</b>	Income attachment for child support has priority over any other attachment, except an attachment for federal tax liens, regardless of whether such other attachment was perfected prior to the support attachment.
	• <b>Assistance</b>	Employer Information Services, Division of Child Support Enforcment, (302) 577-4851
	• <b>Allocation</b>	Applied per algorithm in automated system: first to current ( proportionately among the cases), then to Non-AFDC arrears (proportionately among the cases), then to State arrears (

	proportionately among the cases)
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## D. PATERNITY

1)	<b>Interstate Paternity Procedures</b>	
	<b>Consent Orders Obtained</b>	Yes
2)	<b>Uniform Parentage Act</b>	Yes
3)	<b>Uniform Act on Blood Testing</b>	Yes
4)	<b>Parentage Order Available Without Order for Support</b>	Yes
5)	<b>Custody/Visitation Addressed Subject to Tribunal's Jurisdiction</b>	No
6)	<b>Genetic Test Results as Presumption of Paternity</b>	No
	<b>Threshold</b>	99%
7)	<b>Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)</b>	Rebuttable
8)	<b>Marriage as Presumption of Paternity</b>	Yes
9)	<b>Putative Father's Name on Birth Certificate, Effect of</b>	Constitutes presumption of paternity if with putative father's consent
10)	<b>Other Statutory Presumptions</b>	Attempted marriage before birth; receives child into his home and openly holds out the child as his natural child for a reasonable period of time while the child is under the age of majority; acknowledges child in a writing signed under oath by both parents and filed with the Office of Vital Statistics.
11)	<b>Recognition of Common Law Marriage</b>	No
12)	<b>Personal Appearance of Witness or Custodial Parent Required</b>	No
	<b>Acceptable Methods of Testimony</b>	Written testimony
13)	<b>Long-Arm Statute</b>	Yes
14)	<b>Assistance to Other States</b>	Yes

<b>Using Their Long-Arm Statutes</b>	
• <b>Service of Process</b>	Yes
• <b>Genetic Testing</b>	Yes
<b>15) Recovery of Genetic Testing Costs for Other States</b>	Yes

## **E. SUPPORT ORDER ESTABLISHMENT**

<b>1) Interstate Procedures</b>	Yes
<b>2) Income Considered for Setting Support</b>	Gross income/assets of both parties; second family involvement; inflationary factors
<b>3) Criteria for Rebuttal</b>	The Delaware “Melson” formula is rebuttable only by a finding on the record that an order established pursuant to the guidelines would be unjust or inappropriate.
<b>4) Support Order for Prior Periods</b>	Maximum two years, at discretion of Court.

## **F. ENFORCEMENT**

**(Note: If multiple orders, see Part “G”)**

### **I. ENFORCING YOUR OWN ORDER**

<b>1) Enforcement for Non-Resident Family</b>	No; will do wage attachment if obligor’s employer is in Delaware.
<b>2) Administrative Procedures and Remedies Available</b>	Federal/state income tax intercepts, lottery intercepts, Credit Bureau reporting
<b>3) Judicial Procedures and Remedies Available with Registration</b>	Income attachments, liens, contempt findings

### **II. ENFORCING OTHER STATES’ ORDERS**

<b>4) Administrative Procedures and Remedies Available Without Registration</b>	Direct Wage Withholding
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5) <b>Judicial/Administrative Remedies with Registration</b>	All listed above
6) <b>UIFSA/URESA Registration and Enforcement Procedure</b>	Letter of transmittal; two copies (one certified) of all orders, including any modifications, to be registered; certification of arrears amount; name and identifying information regarding obligor; information concerning obligee and payment remittance information are required. Once registered, the order is enforceable in the same manner and is subject to the same procedures as an order issued by a Delaware tribunal.
7) <b>Judicial Procedures Required after Registration</b>	Notification to the nonregistering party.
8) <b>Uniform Enforcement of Foreign Judgments Act Citation</b>	13 <u>Del. C.</u> §662

## **G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS**

1) <b>Jurisdiction Requirements</b>	Delaware has personal jurisdiction or submits to Delaware's jurisdiction by consent
2) <b>Modification Procedures</b>	Register order in Delaware and file petition for modification, specifying grounds.
3) <b>Criteria for Modification</b>	Age of order
4) <b>Criteria for Change of Circumstances</b>	Medical expenses; income change of either party
5) <b>Frequency With Which Reviews are Conducted</b>	Order is at least 2 1/2 years old, unless a substantial change in circumstances was brought on by no fault of the petitioner.
6) <b>Criteria for Review</b>	
7) <b>Criteria for Adjustment</b>	

## **H. MULTIPLE ORDERS**

### **ENFORCEMENT AND MODIFICATION**

1) <b>Controlling Order</b>	Issued by tribunal with continuing, exclusive jurisdiction
2) <b>Date of Controlling Order</b>	Most recent, if no home state and more than one tribunal would have continuing, exclusive jurisdiction
3) <b>If No Controlling Order</b>	Delaware issues new order
4) <b>Arrears Procedure</b>	

## **I. Documentation Required to Initiate Requests**

ACTION REQUESTED	DOCUMENTS NEEDED	1.	
Establishment of Paternity and Support	<ol style="list-style-type: none"> <li>One (1) copy of the Child Support Enforcement Transmittal</li> <li>One (1) copy of the “Uniform Support “ Petition</li> <li>One (1) Paternity Affidavit for each child.</li> <li>One (1) copy of the General Testimony</li> </ol>		
Enforcement of Responding State's Order	<ol style="list-style-type: none"> <li>One (1) copy of the Child support Enforcement transmittal</li> <li>One (1) copy of the Delaware order</li> <li>One (1) copy of a verified (B) delinquency calculation</li> </ol>		
Modification of Responding States' Orders	<ol style="list-style-type: none"> <li>One (1) copy of the Child Support Enforcement Transmittal</li> <li>One (1) copy of the “Uniform Support “ Petition</li> <li>One copy of General Testimony</li> </ol>		
Administrative Enforcement of Another States' Order	n/a		
Registration for Enforcement of Another States' Order	<ol style="list-style-type: none"> <li>One (1) copy of the Child Support Enforcement transmittal</li> <li>Two (2) copies, <b>one certified</b>, of the support order and all modifications</li> <li>One (1) copy of a verified delinquency/ arrears calculation</li> <li>One (1) copy of a “Statement for Registration of Foreign Support Order”</li> <li>One (1) copy of the Uniform Support Petition</li> </ol>		
Collection of Arrearages in Multiple Orders	<ol style="list-style-type: none"> <li>One (1) copy of the Child Support Enforcement transmittal</li> <li>Two (2) copies, <b>one certified</b>, of the support order and all modifications</li> </ol>		



ACTION REQUESTED	DOCUMENTS NEEDED	1.	
	3. One (1) copy of a verified delinquency/ arrears calculation  4. One (1) copy of a "Statement for Registration of Foreign Support Order"  5. One (1) copy of the Uniform Support Petition		
Uniform Enforcement of Foreign Judgments Act			
Modification of Another State's Order	1. One (1) copy of the Child Support Enforcement transmittal  2. Two (2) copies, <b>one certified (C)</b> , of the support order and all modifications  3. One (1) copy of a verified delinquency/ arrears calculation  4. One (1) copy of a "Statement for Registration of Foreign Support Order"  5. One (1) copy of the Uniform Support Petition  6. One (1) copy of the General Testimony		
Status Update on an Existing Interstate Case	One (1) copy of the Child Support Enforcement transmittal		
Assistance/Discovery	One (1) copy of the Child Support Enforcement transmittal		
Quick Locate	One (1) copy of Locate data sheet  One (1) copy of Child Support Enforcement transmittal		

*\*A= Notarization by Notary Public; B= Certification by signature of agency official;  
 C= Certification by signature of court official; D= Others (please specify);  
 E= Certification not required*

## J. State Contact Chart

ASSISTANCE NEEDED	CONTACT  Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Karryl D. Hubbard, Deputy Director  Division of Child Support Enforcement  P.O. Box 904  New Castle, DE 19720  (302) 577-4804 (phone)  (302) 577-4873 (fax)
Central Registry	Philip Mitchell, Central Registry Supervisor  Division of Child Support Enforcement  P.O. Box 904  New Castle, DE 19720  (302) 577-4838 (phone)  (302) 577-4066 (fax)
Interstate Policy Contact (if different)	
Contact for Information Regarding Your States Long Arm Statute and Process	Philip Mitchell, Central Registry Supervisor  Division of Child Support Enforcement  P.O. Box 904  New Castle, DE 19720  (302) 577-4838 (phone)  (302) 577-4066 (fax)
Contact for Information Regarding Collection and Distribution (State level)	Mr. Louis West, Fiscal Administrative Officer  P.O. Box 904  New Castle, DE 19720  (302) 577-4810 (phone)  (302) 577-4873 (fax)

Contact to Obtain Payment Records	<p>Division of Child Support Enforcement</p> <p>P.O. Box 904</p> <p>New Castle, DE 19720</p> <p>Attn: Accounting</p>
Contact to Obtain Copy of Order	Same as above
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	
<ul style="list-style-type: none"> <li>Service of Process</li> </ul> <p>(private process server? If so , list)</p>	Golt Adjustment Service
<ul style="list-style-type: none"> <li>Genetic Testing</li> </ul> <p>( e.g. assistance with interstate teleconferencing)</p>	<p>Blood Test Coordinator</p> <p>Family Court</p> <p>P.O. Box 2359</p> <p>Wilmington, DE 19899</p>
New Hire Reporting Contact	N/A
Employer Assistance Contact	<p>Division of Child Support Enforcement</p> <p>P.O. Box 904</p> <p>New Castle, DE 19720</p> <p>Attn: Andrew Haman</p>
<p>Telephone Number for Automated Interstate Case <i>Status</i> Requests</p> <p>(if any)</p>	N/A
<p>Telephone Number for Automated Interstate Case <i>Payment</i> Requests</p> <p>(if any)</p>	N/A
Privatization Contact	N/A

